PGCPB No. 17-38 File No. SDP-1605

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 9, 2017, regarding Specific Design Plan SDP-1605 for Canter Creek, Phases II, III, IV, the Planning Board finds:

1. **Request:** The subject approval is for an infrastructure specific design plan (SDP) for grading and installation of five stormwater management ponds for Phases II, III, and IV of the Canter Creek project.

2. **Development Data Summary:**

	EXISTING	**APPROVED**
Zone	R-S/M-I-O	R-S/M-I-O
Use	Vacant	Infrastructure
Residue of Parcel	1	1
Total Acreage	173.58	173.58
Disturbed Area	N/A	57.89 acres

3. **Location:** The subject property is located on the western side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, and Council District 9.

4. **Surrounding Uses:** Specific Design Plan SDP-1605 is bounded to the north by the Williamsburg Estates single-family detached residential subdivision in the One-Family Detached Residential (R-80) Zone and a single-family detached lot in the Rural Residential (R-R) Zone. The project is bounded to the northeast by the Merrymount Equestrian Center, also in the R-R Zone, which is located on a separate parcel and under separate ownership. The property is bounded to the east by Frank Tippett Road and beyond with several undeveloped parcels, two churches, and a single-family detached residential development, the Brookwood subdivision, in the R-R Zone. The property is bounded to the south by the Graystone at Marlborough and Conger single-family home subdivisions and an undeveloped lot in the R-R Zone. The property is bounded to the west by a 404-acre undeveloped property in the Reserved Open Space (R-O-S) Zone, which is owned by Maryland Environmental Services.

5. **Previous Approvals:** The overall site, formerly known as TLBU Property, was rezoned by the District Council on May 14, 1990 (Zoning Ordinance No. 25-1990) from the Residential-Agricultural (R-A) and R-R Zones to the Residential Suburban Development (R-S)

Zone through Zoning Map Amendment (Basic Plan) A-9738-C, subject to 9 conditions and 16 considerations. The site is also the subject of Comprehensive Design Plan CDP-0701, approved by the Planning Board on July 17, 2008, subject to 31 conditions. On September 4, 2008, the Planning Board adopted PGCPB Resolution No. 08-111, formalizing that approval. On November 18, 2008, the District Council heard oral argument on the application and affirmed the Planning Board's decision, subject to 31 conditions in an order, dated the same date.

A Type II Tree Conservation Plan, TCPII-002-02, was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

Preliminary Plan of Subdivision 4-07005 and Type I Tree Conservation Plan TCPI-110-90-02 were disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan). By letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the Prince George's County Woodland Conservation and Tree Preservation Ordinance and the Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on the concept of "good cause" associated with conformance with the Green Infrastructure Plan and the Woodland Conservation Ordinance.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved Type I Tree Conservation Plan TCPI-110-90-02 and Preliminary Plan of Subdivision 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A). The property is also subject to Final Plats 5-14141 – 5-14150. The property has a Stormwater Management Concept Plan, 8327602-2000-06, approved by the Prince George's County Department of Permitting Inspections and Enforcement (DPIE) on August 29, 2016 and valid until May 4, 2017.

6. **Design Features:** The site covered in Specific Design Plan SDP-1605 is for infrastructure only for minimal grading and clearing for the purposes of access to and construction of the stormwater management ponds in Phases II, III, and IV of the project. The SDP is roughly square in shape with Phase I of the development, which has been approved separately to its south. The five stormwater management ponds to be installed as part of the project are located as follows:

   a. **Pond No. 1:** (Sheets 14 and 15)**;** Just west of the Phase I portion of the site;

   b. **Pond No. 2**: (Sheets 8 and 10); In the central western portion of the site;

   c. **Pond No. 3**: (Sheet 32); In the northwestern portion of the of the site, just southeast of one of two of the archeological sites on the property (18PR971);

   d. **Pond No. 4**: (Sheets 27, 29 and 31); Southwest of No. 3 and northwest of Archeological Site 18PR971; and

   e. **Pond No. 5**: (Sheet 19); South west of Archeological Site 18 PR 971.

Grading of the proposed ponds and limits of disturbance are shown on the SDP, together with environmental features occurring on the subject property, such as flood plain, wetlands and primary management area (PMA) and wetland buffers. Access to the stormwater ponds is proposed to be provided by dirt roads leading from paved roads that are off-site. Details of layout and site design for these sections of the Canter Creek development will be determined when a full-scale SDP is submitted for review at a future date.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9738-C:** On May 14, 1990, the District Council approved Basic Plan A-9738-C, subject to nine conditions and 16 considerations. None of the conditions and considerations are relevant to the subject SDP for infrastructure, though several will be relevant when the applicant makes application for approval of a full-scale SDP for the project.

8. **Comprehensive Design Plan CDP-0701:** Comprehensive Design Plan CDP-0701 for the subject property was approved on November 18, 2008 by the District Council, subject to 31 conditions. None of the conditions are relevant to the subject SDP for infrastructure, though several will be relevant when the applicant makes application for approval of a full-scale SDP for the project.

9. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Prince George's County Zoning Ordinance as follows:

   a. The subject approval is in conformance with the applicable requirements of Section 27-511, Purposes; Section 27-512, Uses; and Section 27-513, Regulations governing development in the R-S Zone. Further evaluation of conformance with these requirements will be made at time of a full-scale SDP.

   b. Section 27-528, requires that the Planning Board make the following findings for approval of a specific design plan for infrastructure as follows:

      (b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

      As indicated in Finding 8 of this report, the subject SDP for infrastructure is in conformance with the relevant conditions of the approved Comprehensive Design Plan CDP-0701. Additionally, in a memorandum dated February 17, 2017, DPIE indicated that the subject SDP is consistent with approved Stormwater Management Concept Plan 8327602-1000-06, assuring that drainage of surface waters will be adequately handled that

should prevent off-site property damage and environmental degradation in accordance with this requirement. The Planning Board is herein approving Type 2 tree conservation plan (TCP2) for the project, subject to conditions, that will successfully regulate reforestation and woodland conservation in accordance with this requirement. Additionally, the Prince George's Soil Conservation District, (SCD) in a letter dated February 17, 2017, offered detailed comments on issues of grading, erosion and sediment control, which will ensure that the project will not cause erosion through SCD's separate permitting process, also in accordance with this requirement. In summary, the application is in conformance with the requirements of Section 27-528(b) of the Zoning Ordinance.

c. The property is also located in the Military Installation Overlay (M-I-O) Zone. However, as no buildings are proposed with this application, the requirements of Section 27-548.54 Requirements for Height, which governs developments in the M-I-O Zone, are not applicable at this time. Compliance with the requirements of M-I-O Zone will be reviewed at time of full-scale SDP.

10. **Preliminary Plan of Subdivision 4-07005:** The relevant Preliminary Plan of Subdivision, 4-07005, was approved by the Planning Board on October 29, 2009, subject to 35 conditions. PGCPB Resolution No. 08-112(A) was adopted by the Planning Board on November 19, 2009, formalizing that approval. None of the conditions are relevant to the subject SDP for infrastructure, though several will be relevant when the applicant makes application for approval of a full-scale SDP for the project.

11. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a specific design plan (SDP) must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). However, this SDP for infrastructure including only clearing, grading, and the installation of stormwater management ponds, with dirt road access, therefore, it is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of impervious area for parking or loading spaces, or gross floor area on the subject property. The project is also exempt from the requirements of Section 4.9, Sustainable Landscaping Requirements, as no planting is required by other sections of the Landscape Manual. Future SDPs that include final development of the site would have to be reevaluated for conformance with the applicable sections of the Landscape Manual.

12. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. Type 2 Tree Conservation Plan TCP2-002-02-03 is herein approved, subject to conditions. The project is in conformance with the

applicable requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

13. **Prince George's County Tree Canopy Coverage Ordinance:** The project is subject to the Tree Canopy Coverage Ordinance when a full-scale SDP is submitted. As the subject property is Zoned Residential-Suburban (R-S) 15 percent of the acreage must be covered in tree canopy. As the site measures 173.58, approximately 26.04 acres must be covered in tree canopy. Conformance with this requirement will be evaluated when a full-scale SDP is submitted for the project.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

    a. **Historic Preservation and Archeology—**The subject property does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site 82A-017, located at 8801 Frank Tippett Road (Tax Map 118 A-2).

    The Joshua Turner House, built in 1880s, is a two-and-one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth-century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19th century country house of a successful businessman, and for its fine Queen Anne style decorative details. The historic site's environmental setting includes approximately five acres (Part of Parcel 91).

    The Joshua Turner House Historic Site includes an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the adjacent developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the subject property that includes some of the Merrymount facilities is not currently proposed for development through the subject application.

    Phase I archeological investigations were conducted on the subject property in May 2009. Four copies of the final Phase I report were submitted and were approved by the Historic Preservation Section on August 6, 2009. Three archeological sites were identified in the survey. Site 18PR971 is an early twentieth century domestic site; Site 18PR972 consists of the ruins of a twentieth century tenant farm house and adjacent barn; and Site 18PR973 is a dense scatter of brick that likely represents a nineteenth century tobacco barn that had been destroyed by the late twentieth century. No further work was recommended on any of the archeological sites. The Planning Board concurs that no additional archeological work is necessary on Sites 18PR972 and 18PR973.

The Planning Board did not concur with the report's conclusion that no additional work was necessary on Site 18PR971. Site 18PR971 represents a late nineteenth to early twentieth century tenant house, a common property, but one not well studied archeologically in Prince George's County. The Planning Board recommended that Phase II investigations be conducted on Site 18PR971 to determine if any intact cultural deposits or features are present. Site 18PR971 is near the limits of disturbance for the proposed infrastructure SDP.

The following text addresses previously approved historic preservation conditions related to the subject approval. The text in **BOLD** is the actual text from the resolution as approved. Comments are in regular typeface. The property was the subject of Comprehensive Design Plan CDP-0701 (approved by the District Council on November 18, 2008) and Preliminary Plan of Subdivision 4-07005 (approved by the Planning Board on October 29, 2009 (PGCPB Resolution No. 08-112).

Comprehensive Design Plan CDP-0701 District Council Order Resolution

15. Prior to certificate approval of the subject comprehensive design plan application:

a. Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

Phase I archeological investigations were completed in May 2009. This condition has been satisfied.

b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:

(1) Evaluating the resource at the Phase II level, or

(2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

The Planning Board requested Phase II evaluation studies on Sites 18PR971 and 18PR996. Site 18PR996 is located in the area included within SDP-1202. Phase II investigations were completed on Site 18PR996 in November 2009. The Planning Board did not request any further investigations on Site 18PR996 because of its lack of integrity. Phase II investigations have not been completed on Site 18PR971. Site 18PR971 is not located within the area covered by SDP-1605, but will not be affected by the subject infrastructure improvements. Phase II investigations should be completed on Site 18PR971 prior to approval of the specific design plan including architecture for this section.

16. **Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.**

Very few artifacts were recovered from the Phase II investigations of Site 18PR996, which is located within the area of Specific Design Plan SDP-1202, but the applicant could still prepare interpretive signage that discusses the role of slavery on large plantations in Prince George's County. Phase II investigations have not been completed on Site 18PR971, which is located within the planned Phase III of the subject development. Discussion of interpretive signage and a condition requiring the installation of signage on the site should occur after the archeological investigations are completed on Site 18PR971.

17. **Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.**

The subject specific design plan is not in an area adjacent to the Joshua Turner House (Historic Site 82A-017).

Preliminary Plan 4-07005, PGCPB Resolution No. 08-112(A)

22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:

a. Evaluating the resources at the Phase II level, or
b. Avoiding and preserving the resources in place.

The subject specific design plan includes Archeological Site 18PR971, but the proposed infrastructure improvements will not affect the site. Phase II archeological investigations have not been completed on Site 18PR971. Phase II and, if required, Phase III investigations should be completed prior to approval of the first specific design plan including architecture that covers Site 18PR971. Due to the proximity of Site 18PR971 to the proposed infrastructure improvements, a super silt fence should be constructed around the boundaries of Site 18PR971 to protect it from adverse impacts.

23. Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.

The final report for Phase II and/or III investigations for Site 18PR971 shall be submitted prior to approval of the specific design plan including architecture for the area containing that site.

24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

See the comment for Condition 16 of CDP-0701 above.

25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into

account the effects of the development on historic resources, to include archeological sites.

The applicant should contact the Army Corps of Engineers and the Maryland Historical Trust to determine if they will require any further work on Archeological Site 18PR971.

26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

The area within the subject specific design plan is adjacent to the Joshua Turner House (Historic Site 82A-017), but proposes infrastructure only and will not have a direct visual impact on the site. However, the specific design plan including architecture, streets and lighting that is adjacent to the historic site should address the buffering requirements of the Prince George's County Landscape Manual, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from the Joshua Turner House.

27. The street names shall be approved by the Development Review Division (DRD) with input from the Historic Preservation Section (M-NCPPC) and shall be based on equestrian terms that reflect both the area's equestrian heritage and the operation of the adjacent Turner House Historic Site as Merrymount Equestrian Center.

The applicant's proposed street names for the developing community reflect the historic significance of the developing property, the immediate vicinity and the area's equestrian heritage. This condition has been satisfied.

The following has been made a condition of this approval:

- Prior to the approval of any grading permit or any ground disturbance for the area included in this SDP, the applicant shall install a super-silt fence along the boundaries of archeological Site 18PR971, as depicted on the specific design plan and provide proof of the installation and its placement to the Historic Preservation Section (M-NCPPC). The fence shall remain in place until all ground-disturbance activities are complete.

The above-cited conditions of CDP-0701 and 4-07005 are not triggered by the approval of this SDP for infrastructure and will be implemented at the appropriate stage of development in the future.

b. **Transportation Planning—**On October 29, 2009, the Planning Board approved Preliminary Plan of Subdivision 4-07005 for the subject property. The approval was formalized in the adoption of PGCPB Resolution No. 08-112(A), which contained a number of transportation-related conditions, all of which were triggered by the release of building permits. Since the subject approval pertains to rough grading only and does not request any building permits, the Planning Board did not see any conflicts or issues with the approval of the application. At the time of filing a full-scale SDP for the subject property, the Planning Board will comment on the status of the transportation-related conditions. The subject development will be adequately served within a reasonable period of time.

c. **Subdivision—**The subject site is located on Tax Map 117 in Grid F-2 and is within the R-S Zone. The approval is for an SDP for infrastructure for Phases II, III, and IV. The site is the subject of Preliminary Plan of Subdivision 4-07005 for the TBLU Property (342.38 acres). The acreage provided in the general notes of the SDP indicates that the SDP is for the entire area of land (324.38 acres) covered by the preliminary plan, which should be corrected. Specific Design Plan SDP-1202-01 was approved for Phase I and has record plats that were recorded in Plat Book SJH 242 at Plats 1–10. A condition of this approval requires that the acreage be corrected in the general notes.

The Planning Board adopted the resolution of approval (PGCPB Resolution No. 08-112(A)) for the preliminary plan on November 19, 2009. The preliminary plan is valid until December 31, 2017. A final plat for the subject property shall be accepted by M-NCPPC before the preliminary plan expires, or a new preliminary plan is required. The resolution for the approved preliminary plan contains 35 conditions. The following are subdivision-related conditions of that approval:

2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).

Conformance with Condition 2 has been reviewed and determined by the Planning Board.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

The plans have been revised to add the stormwater management concept plan date.

11. Prior to the approval of final plats, the applicant and the applicant's heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR) Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following…

a. **An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.**

b. **M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**

c. **The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.**

d. **Subsequent to dedication, the land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.**

e. **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**

f. **All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.**

g. **All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.**

h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.

i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

Parcels D and E were conveyed to the MNCPPC by deed recorded in Liber 37930 at folio 93.

13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:

a. The design, specific of the location, and trigger for the construction of a ten-foot-wide asphalt trail and equestrian trail along the south side of Dressage Drive from Frank Tippett Road, crossing Dressage Drive and then the ten-foot-wide trail along the entire frontage of Parcel E, at the location as shown on DPR Exhibit A. Detailed construction drawings including trail locations, grading and details shall be reviewed and approved and reflected on street construction permits approved by DPW&T, either within the ROW or on Parcels D and E. The trail shall be constructed in phase with Dressage Drive construction, or as determined with the SDP.

b. At the time of Dressage Drive road construction, the applicant and the applicant's heirs, successors and/or assignees shall provide a curb cut for the future vehicular access the Community Park. DPR staff shall review and approve location and width of the curb cut at the time of SDP approval.

c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval for the purpose of assuring that the park is usable.

d. Determine the appropriate location for one vehicular access from an interior public street to Parcel D (M-NCPPC) at the proposed locations as shown on DPR Exhibit A. The boundary between Parcel C (HOA) and Parcel D shall be adjusted to provide direct vehicular access from the park property to the internal public street.

Specific Design Plan SDP-1202 was approved by the Planning Board on April 25, 2013. Each listed requirement of Condition 13 is addressed in Finding 9 of PGCPB Resolution No. 12-102(A). Furthermore, Plats 4-13 were recorded in Plat Book SJH 242 at Plats 1–10 on February 24, 2015 in conformance with SDP-1202, or as amended by subsequent revisions.

22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:

a. Evaluating the resources at the Phase II level, or

b. Avoiding and preserving the resources in place.

23. Prior to the approval of the first specific design plan the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in accordance with the *Guidelines for Archeological Review*.

24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs successors, and/or assignees, shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

Conformance with Conditions 22–26 has been reviewed and determined by the Planning Board.

30. Prior to the approval of the first final plat, in conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) CDP-0701 (PGCPB Resolution No. 08-111), the applicant and the applicant's heirs, successors, and/or assignees shall construct the following trail improvements, subject to the approval of a specific design plan:

a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippett Road, unless modified by DPW&T.

b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

c. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.

d. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The timing of construction shall be determined at the time of specific design plan.

e. The design of the equestrian trails should be in accordance with the Park and Recreation Facilities Guidelines. Alignment of the trails (the Tributary and East-West Trails) shall preserve mature tree specimens as much as possible. The developer shall be responsible for clearing the trails to a width of 12 feet with a vertical clearance of 12 feet. The trail surface shall be eight feet wide, of compacted earth with stumps removed and shall afford dry passage. The use of geofabrics may be necessary in wet areas, applied beneath a gravel base course. Fords at stream crossings shall afford safe footing for horses and the approach slopes be minimized to prevent erosion.

f. The trail along Dressage Drive shall be designed to accommodate equestrians from Frank Tippett Road to the Tributary Trail. A minimum four-foot-wide grass strip shall be included adjacent to the paved trail. This grass strip shall be free of landscaping, above ground utilities and other obstructions. The equestrian component of the trail shall be indicated on the approved SDP.

g. Signage shall be required and reviewed at the time of SDP indicating that the Tributary Trail and East-West Trail are for the use of residents of the subject site and patrons of Merrymount Equestrian Center only, and shall include the triggers for construction.

Finding 9 of PGCPB Resolution No. 12-102(A) provides point by point comments for each listed requirement of Condition 30. Further conformance with the requirements shall, however, be reviewed and determined by the Planning Board at the time of a future SDP other than infrastructure.

33. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicate a 10-foot public utility easement (PUE) along all the public rights-of-way.

A 10-foot-wide public utility easement has been added to the sheets along Frank Tippett Road. There are no other public rights-of-way included in this plan.

34. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate right-of-way of 40 feet from the center line of Frank Tippett Road at the time of final plat. Dedication of right-of-way along Old Frank Tippett Road shall be in accordance with the approved preliminary plan, as determined appropriate by DPW&T.

Plat MMB 239-61 was recorded on December 6, 2013, which dedicated public right-of-way of 40 feet from the centerline of Frank Tippett Road.

35. All structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.

The above language is included in General Note 23 of the SDP.

Specific Design Plan SDP-1605 is in substantial conformance with approved Preliminary Plan of Subdivision 4-07005.

The above-cited conditions of Preliminary Plan of Subdivision 4-07005 are not triggered by the approval of this SDP for infrastructure and will be implemented at the appropriate stage of development in the future.

d. **Trails—**The SDP had been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

The subject approval is an SDP for infrastructure and focused solely on limited grading for and access to stormwater management facilities for Phases II to IV. No roads or trail infrastructure is included in the current approval. However, the subject project has a long approval history (A-9738-C, CDP-0701, 4-00064, and SDP-1202) and numerous road, park dedication, trail and equestrian facilities related conditions. These prior conditions of approval are still in effect and will be implemented as development occurs. However, given the limited focus of the subject approval, there are no trail, bikeway or sidewalk requirements necessary at this time.

e. **Department of Parks and Recreation (DPR)—**On January 31, 2017, a representative of DPR stated that they did not wish to comment on the subject property as it does not impact the adjacent parkland.

f. **Public Facilities—**The adequacy of public facilities will be determined when a full-scale SDP is submitted for the project.

g. **Environmental Planning—**The following is background for the project:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9738	NA	District Council	Approved	May 14, 1990	N/A
CDP-9001	TCPI-110-90	N/A	Withdrawn	N/A	N/A
4-00064	TCPI-110-90	Planning Board	Approved	April 12, 2001	PGCPB No. 01-79(A)
N/A	TCPII-002-02	Planning Director	Approved	January 17, 2002	N/A
CDP-0701	TCP1-110-90-01	District Council	Approved	November 18, 2008	Order of Approval
4-07005	TCP1-110-90-02	Planning Board	Approved	November 29, 2009	PGCPB No. 08-112(A)
SDP-1202	TCP2-002-02-01	Planning Board	Approved	April 25, 2013	PGCPB No. 12-102(A)
SDP-1202-01	TCP2-002-02	Planning Board	Approved	May 14, 2014	PGCPB No. 14-46
SDP-1605	TCP2-002-02-03	Pending	Pending	Pending	Pending

The Planning Board previously reviewed an application for rezoning of the subject property from the R-R and R-A Zone to the R-S Zone, Zoning Map Amendment A-9738, which was approved by the District Council with conditions on May 14, 1990. A Comprehensive Design Plan application, CDP-9001, and Type I Tree Conservation Plan, TCPI-110-90, were withdrawn before being heard by the Planning Board.

Preliminary Plan 4-00064 and Type I Tree Conservation Plan TCPI-110-90, for the development of the property in accordance with County Council Bill CB-94-2000 for a private university, 250-room hotel, conference center and dormitories, were approved by PGCPB Resolution No. 01-79(A) and remains valid; however, plans associated with that approval have not been implemented. A Type II Tree Conservation Plan, TCPII-002-02 was approved for Parcel 1 and Outparcel A on January 17, 2002 with no associated development application.

A Comprehensive Design Plan, CDP-0701, and revision to the Type I Tree Conservation Plan, TCPI-110-90-01, was a significantly different proposal for development than that shown on Preliminary Plan 4-00064. The District Council approved Comprehensive Design Plan CDP-0701 and TCP1-110-90-01 subject to conditions contained in a final decision of the District Council issued on November 18, 2008.

Preliminary Plan of Subdivision 4-07005 and Type I Tree Conservation Plan TCPI-110-90-2 were reviewed and disapproved by the Planning Board on July 17, 2008 for lack of conformance with the 2005 *Approved Countywide Green Infrastructure Plan*. By a letter dated September 23, 2008, the applicant requested reconsideration for the purpose of addressing the Woodland Conservation Ordinance and the Countywide Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same. On October 30, 2008, the Planning Board approved the request for reconsideration based on good cause associated with the Green Infrastructure Plan and Woodland Conservation Ordinance conformance.

On October 29, 2009, the Planning Board heard testimony regarding the reconsideration and approved Type I Tree Conservation Plan (TCPI-110-90-02), and Preliminary Plan of Subdivision 4-07005 subject to conditions contained in PGCPB Resolution No. 08-112(A). A Specific Design Plan, SDP-1202, and Type II Tree Conservation Plan TCPII-002-02-01 for infrastructure were previously approved by the Planning Board subject to conditions contained in PGCPB Resolution No. 12-102 on November 1, 2012. On November 19, 2012, the District Council elected to review the case; and on February 12, 2013, the District Council remanded the case back to the Planning Board for further testimony and to reconsider its decision. On April 25, 2013, at a public hearing regarding Specific Design Plan SDP-1202 for Canter Creek, Phase One, the Planning Board approved the Specific Design Plan with one additional condition, and made amended findings in response to the Order of Remand:

A Specific Design Plan, SDP-1202-01, and revised Type II Tree Conservation Plan TCPII-002-02-02 were approved by the Planning Board subject to conditions contained in PGCPB Resolution No. 14-46 on May 15, 2014. The SDP application for Phase I of the subject development, included the creation and development of lots for 106 single-family residences and the approval of architecture. The current application is a SDP and revised TCPII to allow for grading and clearing required to complete implementation of approved

stormwater management facilities for Phases II, III, and IV in accordance with grandfathering provisions which will expire on May 4, 2017.

Grandfathering
The subject approval is grandfathered from the requirements of Subtitles 24 and 27 that came into effect on September 1, 2010 because the project has a previously approved preliminary plan. The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved tree conservation plan.

Site Description
The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippett Road on the east and Dower House Branch on the south. There are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The development herein approved is not a noise generator. Based on the most recent Air Installation Compatible Use Zone Study released to the public in July 2008 by the Andrews Air Force Base, aircraft-generated noise is not significant. According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafras, Shrewsbury and Westphalia series. According to information obtained from the Maryland Department of Natural Resources (MD DNR), Natural Heritage Program, a Sensitive Species Project Review Area (SSPRA), as delineated on the SSPRA GIS layer, is found to on this property. No designated scenic or historic roads are affected by this development. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. The site is located within a priority funding area.

General Plan Conformance
The site is located within the Employment Areas of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. The subject property was evaluated for conformance with the *Plan Prince George's 2035 Approved General Plan* with the approval of CDP and preliminary plan, and is not reviewed for conformance with the current approval.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan
The subject property was evaluated for conformance with the 2005 *Approved Countywide Green Infrastructure Plan* during review of the CDP and preliminary plan and is not reviewed for conformance with the current approval.

Conformance with District Council Final Decision on Zoning Map Amendment A-9738-C

A Final Decision was issued by the District Council on May 14, 1990 on the Basic Plan of Zoning Map Amendment A-9738-C. The decision contains a list of conditions and considerations on the approved rezoning of the property to be applied at various review points in the process.

The following are the Planning Board's analysis of the environmental conditions, limitations and considerations from the Council Decision. The text from the Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

Conditions of the Final Decision for Revised Basic Plan A-9738-C

Condition 4.

There shall be no grading or cutting of trees on this site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.

A CDP and SDP for infrastructure for Phase I has been approved for this site. The current approval is a SDP for stormwater infrastructure for Phases II, III, and IV.

Condition 5(b)

A 50-foot wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail may be included within this buffer to the extent feasible.

This condition has been adhered to.

Consideration 1.

The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.

A forest stand delineation was submitted with the approved Natural Resource Inventory (NRI-015-07). The approved TCPI shows the preservation of woodlands along streams and adjoining roads and preserves a major forest stand identified by the NRI as Forest Stand "D." This is in conformance with Consideration 1 because it preserves a major stand of trees on the site that is adjacent to a stream and property lines and preserves additional woodland along Piscataway Creek.

Consideration 2.

The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources.

A 100-year floodplain study was approved on November 20, 1989. A Stormwater Concept Plan, 8327607-2000-04, has been approved by the Prince George's County Department of Public Works and Transportation (DPW&T). A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicates that floodplain study, FPS No. 900058, approved on November 20, 1989 remains valid.

Consideration 3.

A minimum 50-foot-wide buffer shall be retained along all streams. This area shall be expanded to include the 100-year floodplain, wetlands, steep slopes and areas of erodible soils.

The NRI, TCPI, and TCPII show the expanded stream buffers which comprise the regulated environmental features of the site. Any impacts on regulated environmental features beyond those approved at time of Preliminary Plan will require a statement of justification and additional Planning Board approval.

The SDP and TCPII can be found in general conformance with the considerations of Zoning Map Amendment A-9738-C.

Conformance with District Council Final Decision on Comprehensive Design Plan CDP-0701

A final decision was issued by the District Council on November 24, 2008 on the Comprehensive Design Plan CDP-0701. The decision contains a list of conditions and considerations on the approved rezoning of the property to be applied at various review points in the process. The following are the Planning Board's analysis of the environmental conditions, limitations and considerations from the District Council decision that have not been addressed. Conditions 18 through 25 have either been addressed or will be carried forward in future recommendations. The text from the District Council's Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

19. The Preliminary Plan of Subdivision and all subsequent plans shall ensure that no part of any conservation easement is on any residential lot. When the TCPII is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

No part of the expanded stream buffer, which will be placed into conservation easements at time of final plat, is located on a residential lot with the current approval. There are areas of "woodland retained-assumed cleared" located on residential lots, which will not be credited as woodland conservation. Because they will not be credited as woodland conservation, they will not be placed into a woodland and wildlife habitat conservation easement, but specific protection of the woodland conservation areas referenced herein is strongly recommended.

At the time of certification for any SDP except an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the TCPII in an appropriate note.

26. The stormwater management ponds shown on the TCPI associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.

The SDP and TCPII approved herein shows the use of sediment forebays. Stormwater management is discussed further in the Environmental Review section below.

30. Prior to the approval of a preliminary plan, the Planning Board shall make a final decision regarding the following issues:

a. Preservation of Forest Stand "D:" through the elimination of proposed stream crossing that forms the extension of Dressage Drive.

The stream crossing was eliminated and additional area in Forest Stand "D" was proposed for preservation; and final decision of the Planning Board was to preserve Forest Stand "D" with the approval of Type I Tree Conservation Plan TCPI-110-90-02. The current TCPII approval has been found to be in general conformance with the approved TCPI.

b. Elimination of lots that are adjacent to the north property line and provide a 300-foot wide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys.

At the time of preliminary plan, a 200-foot-wide land bridge was determined to be sufficient in width to fulfill the functional requirements of a wildlife corridor envisioned in the Countywide Green Infrastructure Plan, which is shown on the approved preliminary plan and TCP1.

c. Preservation of an area within 300 feet of the floodplain of Piscataway Creek.

The area located within 300 feet of the 100-year floodplain of Piscataway Creek has been included in woodland conservation areas to the fullest extent possible, and unforested areas within the desired riparian buffers are proposed for afforestation/ reforestation.

d. The use of afforestation in those areas those are adjacent to regulated areas.

Afforestation has been used as a methodology to re-establish woodlands within and adjacent to stream buffers.

The SDP and TCPII approved herein can be found in general conformance with Comprehensive Design Plan CDP-0701.

Conformance with Conditions of Approval for Preliminary Plan of Subdivision 4-07005 (PGCPB Resolution No. 08-112(A)

The Prince George's County Planning Board initially disapproved the Type I Tree Conservation Plan, TCPI-110-90-02, and Preliminary Plan of Subdivision 4-07005, because it did not meet the requirements of Section 24-132, Woodland Conservation, the Subdivision Regulations, and as not in conformance with the Countywide Green Infrastructure Plan. Subsequently, the applicant requested reconsideration for the purpose of addressing the Woodland Conservation Ordinance and the Countywide Green Infrastructure Plan and adjusting the lotting pattern to accommodate the same.

On October 30, 2008, the Planning Board approved the request for reconsideration based on the good cause, and on October 29, 2009, the Planning Board heard testimony regarding the reconsideration. The Planning Board approved Preliminary Plan 4-07005 for the TLBU Property and Type I Tree Conservation Plan, TCPI-110-90-02, and variations from Section 24-130, subject to the conditions. Those which are environmental in nature are addressed below:

1. Prior to signature approval the preliminary plan of subdivision Applicant Exhibit A shall be revised to reflect the following technical corrections:

c. Label all stormwater management locations.

i. Delineate the required 100-foot buffer along Frank Tippett Road.

The condition was met and the certificate was issued.

2. A Type II tree conservation plan shall be approved at the time of specific design plan (SDP).

A revised Type II Tree Conservation Plan, TCPII-002-02-03, was reviewed for approval with the SDP.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

The Stormwater Management Concept Plan (8327602-2000-06) has been revised and is valid through May 4. 2017. Stormwater management will be discussed in the Environmental Review portion of this approval.

11. Prior to the approval of final plats, the applicant and the applicant's heirs, successors and/or assignees shall convey to M-NCPPC 120± acres of open-space land (Parcel D and E) as shown on the Department of Parks and Recreation (DPR) Exhibit A and maybe modified by the approved specific design plan (SDP) which includes Parcels D and E. Land to be conveyed shall be subject the following:

i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

13. Prior to the approval of the first final plat the applicant and the applicant's heirs, successors and/or assignees shall obtain approval of a specific design plan which includes:

c. The applicant and the applicant's heirs, successors and/or assignees shall rough grade and stabilize 15 acres of the Community Park area (Parcel E) north of Dressage Drive in phase with development. Rough grading shall be completed prior to issuance of 100th building permit, or as determined appropriate with the SDP. The grading plan for the Community Park shall be reviewed and approved by DPR staff at the time of SDP approval to assure that the park is usable.

The rough grading of Parcel E provided for in this condition was shown on prior SDP-1202 and TCPII approval for infrastructure for Phase I.

14. At time of final plat, conservation easements (Sec. 24-130), shall be described by bearings and distances. No part of any conservation easement shall be permitted on any residential lot. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and all areas preserved or to be planted with the exception of land to be dedicated to DPR. The proposed final plat shall be reviewed by the Environmental Planning Section prior to approval of the plat. The following note shall be placed on the plat:

> **"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."**

This condition will be addressed at time of final plat.

15. The following note shall be placed on the final plat:

> **"Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans."**

The required note will be placed on the final plat, and prior to the issuance of any grading permits which impact jurisdictional wetlands or Waters of the U.S., including infrastructure, submittal of the required federal and/or state wetland permits, associated mitigation plans, and evidence that approved conditions have been complied shall be required.

16. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect the following:

a. Confine the use of afforestation to those areas that are adjacent to the regulated areas.

b. Ensure woodland conservation areas are at least 35-feet-wid

c. Ensure that no woodland conservation areas are within existing or proposed utility easements.

d. Label the existing buildings as existing and state the proposed disposition of the buildings. Revise the limit of disturbance to allow for removal of buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.

e. Provide clarification regarding what the areas of woodland conservation that are to be placed on land to be dedicated to DPR. Areas must be labeled with appropriate acreages and separated out from the overall calculations.

f. Revise the worksheet as needed.

g. Have the revised plan signed and dated by the qualified professional who prepared the plan.

The conditions were met and the certificate was issued. Approval of the TCPII is subject to general conformance with the most current approved TCPI.

17. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI-10-90-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's Planning Department."

The condition will be addressed at time of final plat.

18. Prior to signature approval the preliminary plan and Type I tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line. The lots (Lots 114 thru 127) located within this area of preservation shall be removed from the plans and may be relocated in accordance with Applicant Exhibit A with no additional disturbance to the expanded buffer. The preliminary plan approval includes 410 lots. No lots shall be shown within the 200-foot-wide corridor along the northern property line. If, at the time of review of the specific design plan for this area, minor incursions into the required 200-foot-wide preservation corridor

less than 50 feet wide are needed for temporary grading to allow the development to fit the contours of the property, then such grading may be permitted if the area of incursion is shown on the TCPII to be replanted. The east-west equestrian trail shall be field located within this area with input from the Environmental Planning Section.

The preliminary plan and TCPI were revised and the certificate was issued. Incursions into the required preservation corridor have been addressed with the current SDP approval. Sheet 32D of 34 showed the unnecessary clearing of woodland in the preservation buffer, which reduce the width of the buffer below 200 feet without appropriate justification. A reduction in the limit of disturbance would allow for access to the pond for construction purposes, with no intrusion into the required buffer.

Specific Design Plan SDP-1605 and Type II Tree Conservation Plan TCPII-002-03 are in conformance with Preliminary Plan 4-07005 and TCPII-002-03, as the plans shall, by condition of this approval, be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line.

Prior to certification of the SDP, the SDP and Type II tree conservation plan, the plans shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line in conformance with the approved preliminary plan and TCP1.

21. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to locate sites 18PR971 and 18PR996.

22. Prior to Planning Board approval of a specific design plan which includes 18PR971 and/or 18PR996, the applicant and the applicant's heirs, successors and/or assignees shall provide a plan for:

a. Evaluating the resources at the Phase II level, or
b. Avoiding and preserving the resources in place.

25. The applicant and the applicant's heirs, and/or assignees, shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), the US Army Corp of Engineers, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

The Planning Board will coordinate the protection of historic resources and environmental settings during the current review and during Section 106 review of proposed disturbances to wetland, wetland buffers, streams and Waters of the U.S.

26. Any specific design plan for the portion of the development north and west of the northern entrance street from Frank Tippett Road (Passage Drive), adjacent to the Joshua Turner House (Historic Site 82A-017), shall be reviewed for its impact on the adjacent historic site. The review shall include but not be limited to; appropriate buffering requirements, street lighting, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

Because the current approval is not a full-scale specific design plan, but limited to stormwater management infrastructure, a review of impacts to the adjacent historic site will be deferred until a full SDP application is proposed for adjacent phases.

28. The first specific design plan shall demonstrate an attractive treatment of Parcel A in its interim state, prior to the filing of a SDP for development of Parcel A as a day care center. This treatment may include the planting of vegetation near the roadway frontage, planting of a wildflower mix or any other treatment that will provide for an attractive view from the roadway, unless the development of Parcel A is the first SDP.

This condition is deferred until the appropriate specific design plan, which is not limited to infrastructure.

Environmental Review

Natural Resources Inventory and Existing Conditions
A revised NRI-030-05-01 was signed by the Planning Board on June 30, 2008. The environmental features shown on the revised NRI plan have been correctly reflected on the revised specific design plan and TCPII. The signed NRI contains a forest stand delineation which describes four forest stands totaling 183.06 acres (53 percent of the property). There are 135.90 acres of upland woodlands and 47.16 acres of woodlands within the 100-year floodplain, based on the 1989 floodplain delineation. Sixteen specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none is significant under County or state ordinances.

Stand "A" contains 93.13 acres of bottomland forest dominated by red maple, sweetgum and yellow poplar, with an average diameter at breast height of 11.9 inches. Thirteen specimen trees occur in this stand. This stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the Regulated Areas shown in the Countywide Green Infrastructure Plan, and has a very high priority for preservation.

Stand "B" contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum and yellow poplar with an average diameter at breast height is 5.3 inches. Aerial photography indicates that this stand was previously in pasture or agricultural use, but by 1965 these areas were no longer being cultivated and beginning to generate into woodland.

Stand "C" contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak with an average diameter at breast height is 8.6 inches. Aerial photography from 1965 shows that these areas previously in pasture or agricultural use had begun to regenerate into woodland. Only one specimen tree occurs in these stands.

Stand "D" contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech and red oak with an average diameter at breast height of 14.3 inches. Two specimen trees occur in this stand, which contains a high diversity of tree species, shrub species and native herbaceous species. The stand forms an upland connection between the mainstem of Piscataway Creek on the west to the headwaters of the stream on the east. On September 7, 2007 staff of the MD DNR Natural Heritage Program and the Planning Board conducted a field visit. Stand "D" was extensively studied and determined to be a "rich woods," which is an uncommon designation within any portion of the Maryland Coastal Plain. This type of woodland is exceptional because small patches of this type of woodland are rarely encountered and many of the understory species are uncommon. Stand "D" is entirely within a designated evaluation area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within the evaluation area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

Although the NRI is past the usual five-year validity period, the current approval was not required to submit an updated NRI with the current approval. The Site Statistics of the NRI-015-07 show minor inconsistency with those proposed on the TCPII-002-02 and subsequent revisions, but the differences do not significantly affect the current limited SDP approval. The NRI site statistics should be reconciled with the SDP site statistics prior to approval of any further SDP approval for the site beyond one that is limited to stormwater management infrastructure.

Prior to approval of any further SDP application for the site beyond one that is limited to stormwater management infrastructure, the NRI site statistics and SDP site statistics shall be reconciled.

Rare, Threatened and Endangered Species (RTEs) and Wildlife Habitat Conservation

According to information obtained from the MD DNR Natural Heritage Program, SSPRA occurs on the subject property.

A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*) was discovered within Stand "D" on a field visit in 1990. Although this species was not found during the September 7, 2007 field visit, it is not to be construed that the species no longer occurs on the site, even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future, making Forest Stand "D" a high priority for preservation.

At time of preliminary plan, it was recommended that all woodland conservation areas proposed on-site, except for those on property to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) Department of Parks and Recreation (DPR), be included in delineated conservation easements on the final plats. The entire woodland conservation requirement will be met on-site with high priority woodland preservation in environmentally sensitive areas.

Regulated Environmental Features
The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippett Road on the east and Dower House Branch on the south. There are streams and stream buffers, wetlands and wetland buffers and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed.

Impacts to Regulated Environmental Features
With this subject approval, impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations required variation requests in conformance with Section 24-113 of the Subdivision Regulations. Variation requests for nine impacts were submitted and evaluated with Preliminary Plan of Subdivision 4-07005. The Planning Board supported all nine variation requests for the reasons stated below.

(1) Impact 1 was for the installation of an outfall for a stormwater management facility.

(2) Six of the proposed impacts were to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers (Impacts 2, 3, 5, 6, 8 and 9).

(3) Impacts 4 and 7 are for installation of the public roads that will allow access and services to most the property. All impacts for outfalls for stormwater management ponds have been shown.

Woodland Conservation
The property is subject to the requirements of the Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. This site also has a previously approved Type II tree conservation plan for Phase I that has been implemented.

The revised TCPII plan includes Site Statistics Table, which is incomplete and requires technical revisions. The Phased Woodland Conservation Worksheet submitted on the plan indicates that the gross tract area of the approval is 342.39 acres, with 93.75 acres of 100-year floodplain, with a net tract area of 248.63 acres. The woodland conservation threshold for the site is 49.73 acres. With replacement for cumulative clearing of 31.27 acres of woodlands, 0.99 acre of wooded 200-year floodplain, and 0.14 acre of off-site, the woodland conservation requirement for the site is 58.70 acres of woodland conservation. With the current development phase approval, the requirement will be met with 88.76 acres of on-site preservation, which exceeds the requirement.

Because of the limited purpose of the current SDP, the TCPII has been accepted as the '-03' revision to TCPII-002-02, although not all TCPII plan sheets have been submitted and the approval is for Phases II, III, and IV. With the next revision to SDP-1605 beyond a limited specific design plan for stormwater infrastructure, a separate TCPII number will be assigned to each subsequent phase of the development.

Conditions of this approval require additional information and technical revisions to bring the TCPII into conformance with the requirement of the applicable Woodland Conservation Ordinance and Environmental Technical Manual prior to certification of the SDP.

Soils
According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafras, Shrewsbury and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit process review.

Stormwater Management
The current approval is limited to the development of stormwater management ponds. A valid approved Stormwater Management Concept Letter and Plans, 8327602-2000-06, was submitted for the current approval, which will expire on May 4, 2017.

Condition 26 of CDP-0701 required that the SDP show the use of forebays in the stormwater management plan. The SDP and TCPII herein approved show the use of forebays in accordance with the requirements of the Maryland Department of

Environment's Stormwater Management Design Manual. No additional information with regards to stormwater management is required with the current application.

Planning Board Findings

(1) The revised specific design plan and TCPII can be found in general conformance with Zoning Map Amendment A-9738-2.

(2) The current limited SDP for stormwater management infrastructure and TCPII can be found in general conformance with CDP-0701, and TCPI-110-90-01.

(3) The revised specific design plan and TCPII can be found in conformance with and Preliminary Plan of Subdivision 4-07005 and TCPI-110-90-02 if the plans are revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line in conformance with the preliminary plan and TCP1.

(4) The regulated environmental features within the development envelope on the subject property have been preserved and/or restored to the fullest extent possible, and impacts shown are consistent with the impacts approved at time of preliminary plan, except for the proposed clearing of the required preservation buffer along the northern property line.

h. **Department of Permitting, Inspections and Enforcement (DPIE)—**In a memorandum dated February 17, 2017, the DPIE offered the following:

Right-of-way Dedication and Frontage Improvements
At time of fine grading permit, Canter Creek will be required to construct frontage improvements along Frank Tippett Road. Right-of-way dedication and roadway improvements are also required for the existing Frank Tippett Road in accordance with DPW&T's Urban Four-Lane Collector Roadway Specifications and Standards.

Stormwater Management
The proposed site development plan is consistent with the approved Stormwater Management Concept Plan, 8327602-2000-06, originally approved on November 27, 2000, with the latest revision approved on August 29, 2016. The stormwater management concept was approved prior to May 4, 2010, and final stormwater management and erosion/sediment approval was approved prior to May 4, 2013. Therefore, this site is administratively waived from having to comply with Environmental Site Design requirements. The stormwater management ponds are required to be built prior to May 4, 2017. Otherwise, a revision of the plans to meet Environmental Site Design to the Maximum Extent Practical will be required. All stormwater management facilities and drainage systems are to be constructed in accordance with the Specifications and Standards of the DPIE, DPW&T and the Department of the Environment (DoE).

Approval of all facilities is required, prior to permit issuance. Stormwater management and stormdrain easements will have to be approved by DPIE, and recorded prior to the technical approval. DPIE offered the following comments regarding their technical review of the Site Development Plan for stormwater management as required pursuant to (County Code Section 32-182(b)):

- Final site layout and exact impervious locations are not shown on plans.
- Exact acreage of impervious areas has been provided with concept plan.
- Proposed grading is shown on plans.
- Delineated drainage areas at all points of discharge from the site have been provided with the concept plan.
- Stormwater volume computations have been provided with the concept plan.

Soils and Erosion and Sediment Control
The chronology for the final erosion and sediment control plan for the project:

- Originally approved on April 19, 2013, (Approval No. 213-10-0);
- Updated to December 4, 2013 (Approval No. 213-10-01);
- Updated to March 12, 2014 (Approval No. 213-10-02);
- Updated to May 6, 2015 (Approval No. 213-10-03); and
- Updated to January 14, 2016 (Approval No. 213-10-04).

A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, stormwater management, and on-site grading, is required. Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overly plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal. A narrative in accordance with the code has also not been provided.

Floodplain
The proposed site development is part of the approved 100-year Floodplain No. FPS 900058, dated November 20, 1989. Floodplain easement is to be dedicated prior to issuance of any permit. For the floodplain that is contained within the site; stream buffers, culvert design and site developments should be in accordance with County requirements.

DPIE's memorandum has been provided to the applicant and their requirements will be addressed through their separate permitting process.

i. **Prince George's County Police Department—**The Prince George's County Police Department did not offer comment on the subject project.

j. **Prince George's County Health Department—**In a memorandum dated January 27, 2017, the Prince George's County Health Department offered the following:

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the SDP submission for Canter Creek and has the following comments:

(1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Future plans should indicate that all proposed exterior lighting will be shielded and positioned so as to minimize light trespass caused by spill light.

Lighting for the project will be addressed in the review of a full-scale SDP for the project.

(2) Scientific research has demonstrated that a high-quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Future plans should include details indicating how development of the site will provide for safe and easy onsite pedestrian circulation, and safe and easy pedestrian access to amenities at the proposed activity center from within the subdivision(s).

Pedestrian facilities will be addressed in the review of a full-scale SDP for the project.

(3) There are no existing carry-out/convenience store food facilities (1 proposed under subject application) and no grocery store/markets within a two-mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. Future plans should include additional details regarding retail facilities offering healthy food choices to residents of the subdivision(s) and surrounding area.

This information has been provided to the applicant.

(4) A quality transit system is an essential element to creating a healthier community. It encourages riders to walk as a part of their daily routine and is critical to reducing an individual's risk for heart disease, obesity, stroke and diabetes. It also minimizes the number of automobile accidents that occur and facilitates cleaner air by reducing air pollution. In addition, transit reduces isolation by creating access to grocery stores, medical services, employment and education. The property lies outside of the regional transit network and would benefit by the extension of public transportation.

This information has been provided to the applicant.

(5) The applicant must obtain appropriate Raze Permits from Prince George's County's Department of Permitting, Inspections and Enforcement office to assure the proper abatement of any asbestos that may be present in old structures on-site.

This will be addressed through DPIE's separate permitting process.

(6) Noise levels may exceed standards for residential uses due to military aircraft overflights. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to minimize the potential adverse health impacts of noise on the susceptible population.

This concern will be addressed when a full-scale SDP is reviewed for the subject project.

(7) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Future plans should indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This has been addressed by including a note in the general notes.

(8) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This has been addressed by including a note in the general notes. However, the note should include reference to the Code of Maryland Regulations, which oversight will be addressed by a condition of this approval.

k. **Prince George's Soil Conservation District—**In an e-mail received February 17, 2017, the Prince George's Soil Conservation District (PGSCD) offered the following regarding the subject project:

It is noted that the referenced project was previously approved by PGSCD and includes a residential subdivision. The final sediment control plan was recently submitted to PGSCD for the revision on January 17, 2017.

The following comments were transmitted in writing to the engineer of record on January 25, 2017.

(1) Update the small pond approval letters for the new owner and engineer.

(2) Cross through previous engineer seal/signature.

(3) Per the adequacy check list, provide all the necessary repair items to the sediment control devices in the sequence of construction.

(4) Provide stabilized entrances, completed limits of disturbance and sediment controls required for specific lot construction after sediment traps are removed.

(5) Provide 2:1 side slopes for core trenches along the center line of embankments on basins 3,4,5,6, and 7.

(6) Revise the incremental stabilization detail to read "Phrase 1,2,3 fill" respectively.

These comments have been transmitted to the applicant by the Planning Board and will be addressed through the PGSCD's separate permitting process.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-002-02-03), and further APPROVED Specific Design Plan SDP-1605 for the above-described land, subject to the following conditions:

1. Prior to certification of the specific design plan (SDP), the applicant shall:

   a. Amend General Note 25 to include the verbiage "which is adopted by reference into the Code of Maryland Regulations (COMAR)."

   b. The SDP and Type II tree conservation plan, shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line in conformance with the preliminary plan and TCP1.

   c. The Type II tree conservation plan (TCPII) shall be revised as follows:

      (1) On all plan sheets, revise the approval block to include a "Reason for Revision" and complete the required information.

(2) On the cover sheet:

(a) Retitle the sheet to indicate that the plan is for Phases II, III, and IV.

(b) Complete the site statistics table with appropriate information related to the plan and to Phases II, III, and IV.

(c) In the phasing map add the located of and label all phases

(d) Revise the small key plan to show and label all phases.

(e) On the large key map, show and label all phases and indicate the areas to be dedicated to The Maryland-National Capital Park and Planning Commission.

(f) On the large key map, delineate label the SDPs and associated TCPII.

(3) On the Tables sheet (2 of 34):

(a) Revise the Woodland Conservation Summary Table to indicate that Phases II, III, and IV are included.

(b) Group the information in the Woodland Conservation Summary Table to demonstrate the quantities provided in the phased woodland conservation worksheet for the columns labeled "Phase 2" and "Phase 3 & 4."

(c) Use the revised phased worksheet which provides additional information about the individual phases.

(d) Relabel the woodland conservation worksheet as "Canter Creek – Phases II, III, and IV."

(4) On all applicable sheets:

(a) Label all match lines appropriately.

(b) Label all phase lines appropriately.

(c) Include a limit of disturbance in all sheet legends.

(d) Add a woodland conservation sheet summary to each plan sheet.

(e) Provide temporary tree protection fence adjacent to all existing trees to remain which are within 50 feet of a limit of disturbance.

(f) In the legend, correct the spelling of "M-NCPPC."

(g) In the legend, revise "proposed woodland preservation sign" to "woodland conservation sign."

(h) On sheets where platted lots are shown, a temporary tree protection device and signage, or post type conservation should be shown along the lot-line for the protection of preserved woodlands.

(i) Areas of woodland conservation less than 35 feet in width shall not be credited.

(j) Specimen tree signs should not be used unless the critical root zone for the tree is proposed for disturbance.

(5) Plan Sheet 32D shall be revised to demonstrate the preservation of a 200-foot-wide corridor from Stand 'D' to Piscataway Creek along the northern property line in conformance with the preliminary plan and TCP1. The 200-foot-wide preservation buffer shall be delineated and labeled on all affected plan sheets, and the graphic delineating the buffer shall be added to the plan legend.

(6) Adjust all quantities and calculations to reflect the required revisions.

(7) Have the revised plan signed and dated by the qualified professional who prepared the plan.

2. Prior to M-NCPPC approval of any grading permit or any ground disturbance for the area included in this specific design plan (SDP), the applicant shall install a super-silt fence along the boundaries of archeological Site 18PR971, as depicted on the SDP and provide proof of the installation and its placement to the Historic Preservation Section (M-NCPPC). The fence shall remain in place until all ground-disturbance activities are complete or until Historic Preservation Section authorizes its removal.

3. At the time of certification for any specific design plan (SDP), except for an SDP for infrastructure only, a woodland and wildlife habitat conservation easement shall be recorded over the credited woodland conservation within the limits of the phase or phases being approved, and the liber and folio shall be added to the Type II tree conservation plan in an appropriate note.

4. Prior to approval of any further specific design plan (SDP) application for the site, beyond one that is limited to stormwater management infrastructure, the natural resources inventory site statistics

and SDP site statistics shall be reconciled.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 9, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of March 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg